

Kevin M. McGuire
California Bar No. 164895
themcguirelawfirm@yahoo.com
43460 Ridge Park Drive, Suite 200
Temecula, California 92590
Tel: (951) 719-8416
Fax: (949) 258-5807

HERMAN LAW
(Pending application for *pro hac vice* admission)
3351 NW Boca Raton Boulevard
Boca Raton, Florida 33431
Jeff Herman
Florida Bar No. 521647
jherman@hermanlaw.com
Dennis E. Siegel
Florida Bar No. 258131
dsiegel@hermanlaw.com
Tel: (305) 931-2200
Fax: (305) 931-0877

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MEGHAN CHEREEK,)
)
Plaintiff,)
)
vs.)
)
JAMES "JIMMY" SOMMERS and)
WILDFOX COUTURE, LLC,)
)
Defendants.)
/

COMPLAINT

CASE NO.:

Plaintiff MEGHAN CHEREEK, hereby sues Defendants JAMES "JIMMY"
SOMMERS and WILDFOX COUTURE, LLC, and states the following:

INTRODUCTION

This matter centers upon the 43-year-old Defendant JAMES "JIMMY" SOMMERS, who upon information and belief, used his power and position as a fashion mogul to sexually exploit the underage Plaintiff who aspired to be a model. Plaintiff was introduced to Defendant JAMES "JIMMY" SOMMERS in the summer of 2012, and Plaintiff informed him of her career dreams. Defendant SOMMERS then began and continued to dangle before the 17-year-old Plaintiff the prospect of her modeling for Defendant WILDFOX COUTURE, LLC, his prominent fashion company, while also employing intimidation tactics to secure her submission to his sexual advances.

JURISDICTION, VENUE AND PARTIES

1. MEGHAN CHEREEK is a citizen and resident of Miami-Dade County, Florida, and is *sui juris*.

2. Defendant JAMES "JIMMY" SOMMERS is a citizen and resident of the State of California and is *sui juris*.

3. WILDFOX COUTURE, LLC (hereinafter referred to as "Wildfox") is a California limited liability corporation with its principal place of business in Los Angeles, California. Its primary business is the design, production, marketing, and distribution of women's clothing and accessories.

1 4. This Court has federal question subject matter jurisdiction of this
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3 action pursuant to 28 U.S.C. §1331, and supplemental jurisdiction over the state
4 law claims pursuant to 28 U.S.C. §1367.

5 5. Alternatively, this Court also has diversity jurisdiction over this action
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7 pursuant to 28 U.S.C. §1332(a)(1). The amount in controversy exceeds
8 \$75,000.00, and this action is between citizens of different states.

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10 6. A substantial part of the acts, events, or omissions giving rise to
11 Plaintiff's claims arose in and around Los Angeles County, California. Further,
12 because Defendant WILDFOX COUTURE, LLC is a California limited liability
13 corporation with significant contacts in the Central District of California, venue is
14 proper in the Central District of California pursuant to 28 U.S.C. §1391(d).
15 Therefore, pursuant to 28 U.S.C. §1391(b)(2), venue is proper in the Central
16 District of California.
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20 **FACTUAL ALLEGATIONS**

21 7. Upon information and belief, from July, 2012, through October, 2012,
22 Plaintiff MEGHAN CHEREEK was 17 years old. She moved in with a roommate
23 in the Los Angeles, California, area after being ordered by her father to leave their
24 home due to a tumultuous family situation. She was enrolled in a fashion college
25 where she was studying jewelry design but withdrew to assist her roommate who
26 was experiencing significant emotional distress. She attempted to support herself
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1 by engaging in a variety of enterprises including modeling, the selling of original
2 artwork that she created, and through the assistance of friends and family.
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4 8. Upon information and belief, in or about the beginning of July, 2012,
5 Plaintiff was introduced to Defendant JAMES SOMMERS at a restaurant.
6 Defendant SOMMERS at all relevant times was approximately 43 years old.
7 Defendant SOMMERS was introduced to Plaintiff as the owner of Wildfox, a well-
8 known fashion line. Defendant SOMMERS is the president and chief executive
9 officer of Defendant WILDFOX. Plaintiff mentioned to Defendant SOMMERS
10 her interest in modeling and that she was friendly with a model who was displayed
11 in advertising for Defendant WILDFOX. Defendant SOMMERS told Plaintiff that
12 she bore a resemblance to that model and held out to her the prospect of a
13 modeling contract with Defendant WILDFOX.
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18 9. Upon information and belief, later that same day, Defendant
19 SOMMERS initiated sexual contact with Plaintiff while she was under the
20 influence of alcohol.
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22 10. Upon information and belief, Defendant SOMMERS subsequently
23 initiated a text message exchange with Plaintiff concerning the prospect of her
24 modeling for Defendant WILDFOX, and invited her to attend a concert with him.
25 She went to his residence to meet with him prior to going to the concert.
26 Defendant SOMMERS continued to dangle in front of her the prospect of
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1 modeling for Defendant WILDFOX, and furnished her with alcoholic beverages
2 and cocaine. They went to the concert and then returned to his residence where he
3 provided her with more alcohol and cocaine. She went to sleep and subsequently
4 awoke to Defendant SOMMERS engaging in sexual intercourse with her.
5
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7 11. Upon information and belief, Plaintiff soon thereafter, because she
8 was unable to afford the rent that she owed to her roommate, was forced by her
9 roommate to leave her residence. Plaintiff told Defendant SOMMERS about this
10 problem and he offered her a guest room with a private bathroom in his house,
11 which she accepted. In or about early September, 2012, she moved into the guest
12 room which she exclusively occupied and where she maintained most of her
13 possessions.
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16 12. Upon information and belief, during the period of time that they
17 resided in the same house, Defendant SOMMERS acted in an intimidating and
18 aggressive manner towards Plaintiff and created a hostile living situation for her.
19 He regularly demanded that she engage in sexual contact with him to which
20 demands she submitted based upon her fear of him and her desire to establish a
21 career as a model. Defendant SOMMERS dictated that she acquiesce to sexual
22 intercourse and mutual oral sex with him almost daily. He would constantly touch
23 her in a sexual and offensive manner and direct remarks of a sexual nature towards
24 her. Plaintiff would periodically awake to Defendant SOMMERS standing over
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1 her and masturbating himself. He was constantly ingesting cocaine and/or alcohol
2 and supplying her with the same. He would repeatedly grab her arm and forcefully
3 shake it. He would frequently raise his voice towards her, and would often
4 demand in a hostile tone that she perform a task. There were many times when
5 Plaintiff would find a reason to leave Defendant SOMMERS' residence for
6 extended periods of time just to escape him and the distressing environment that he
7 created for her.
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11 13. Upon information and belief, in the beginning of September, 2012,
12 Plaintiff and Defendant SOMMERS flew together to New York City. While in
13 New York, Plaintiff was taken by Defendant SOMMERS to a business location for
14 Defendant WILDFOX which included offices and a showroom, and she
15 accompanied him as he conducted the business of Defendant WILDFOX. During
16 that trip, Defendant SOMMERS and Plaintiff stayed in a residential space in New
17 York City as well as in a residence of a friend of Defendant SOMMERS in Long
18 Island, New York. During the time that they were in the residences in New York,
19 as well as in other locations, Defendant SOMMERS caused Plaintiff to submit to
20 sexual intercourse with him and to participate in acts of oral sex, each with the
21 other. Additionally, Defendant SOMMERS provided cocaine, marijuana, and/or
22 alcoholic beverages to Plaintiff at various locations in New York. Once the trip to
23 New York concluded, Plaintiff returned to Los Angeles with Defendant
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1 SOMMERS on a flight from Newark to Los Angeles. When they returned to
2 California, Defendant SOMMERS continued his acts of intimidation directed
3 towards Plaintiff, and continued to lure her into submitting to vaginal intercourse
4 and acts of oral copulation using the bait of Plaintiff's dream of modeling as well
5 as by intimidation.
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8 14. Upon information and belief, during the period when Plaintiff was
9 living in Defendant SOMMERS' residence, he regularly engaged her in
10 conversations about modeling for Defendant WILDFOX. During these
11 conversations, Defendant SOMMERS frequently told Plaintiff that "nothing is
12 free", making clear that she needed to submit to him sexually if she wished to be
13 engaged as a model for Defendant WILDFOX. There was a time when Defendant
14 SOMMERS advised Plaintiff of an alleged business collaboration that Defendant
15 WILDFOX was going to undertake with a cosmetics business. He had Plaintiff
16 provide ideas concerning products, colors, and packaging for this business
17 opportunity. He also discussed with Plaintiff taking her to a business meeting
18 concerning this collaboration. Defendant SOMMERS had several conversations
19 with Plaintiff concerning what he alleged was the possibility that Defendant
20 WILDFOX would market jewelry, and he asked Plaintiff to provide him with
21 designs for such jewelry, which she did. On more than one occasion while with
22 Plaintiff, Defendant SOMMERS viewed photographs of prospective or engaged
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1 models for modeling enterprises and identified certain of them as women with
2 whom he had sexual contact. Defendant SOMMERS also told others in the
3 presence of Plaintiff that he had sex with certain of the models. During this period
4 of time Defendant SOMMERS told Plaintiff that he wished he could engage in sex
5 with a particular model who had been hired by Defendant WILDFOX and whom
6 Defendant SOMMERS said had a physical appearance similar to Plaintiff's. He
7 told Plaintiff that he usually engaged in sexual contact with models hired by
8 Defendant WILDFOX. Defendant WILDFOX did not terminate and discharge
9 Defendant SOMMERS, its employee or agent, from its employ subsequent to it
10 learning or gaining notice of his foregoing acts and omissions.

15 15. Upon information and belief, Defendant SOMMERS' sexual
16 exploitation and intimidating treatment of Plaintiff was oppressive, fraudulent, and
17 malicious. He exploited her career aspirations and fraudulently caused her to
18 believe that she would have the opportunity to model as long as she submitted to
19 his sexual demands. He deceived her into believing that her creative talents would
20 be used to assist his business enterprise in commercial ventures. He committed
21 criminal sexual acts against her by causing her to engage in sexual intercourse with
22 him and by causing her to engage in acts of oral copulation with him when she was
23 less than eighteen years of age. His behavior was intended to vex, annoy, or injure
24 Plaintiff, and he unjustly and cruelly exercised his authority and power as president

1 of Defendant WILDFOX to manipulate and sexually exploit Plaintiff.

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3 16. Upon information and belief, on or between August 15, 2012, and
4 October 15, 2012, another adult male came to the residence of Defendant
5 SOMMERS when Plaintiff was present. At that time both Defendant SOMMERS
6 and Plaintiff had consumed alcoholic beverages and cocaine. Defendant
7 SOMMERS made a comment to this adult male that Plaintiff was accomplished in
8 performing oral sex and urged the adult male to allow her to perform oral sex upon
9 him. The adult male initially indicated that Plaintiff need not do what Defendant
10 SOMMERS was urging her to do. Plaintiff endeavored to verbally resist the
11 attempts of Defendant SOMMERS to have her orally copulate the adult male but
12 Defendant SOMMERS continued to insist that the oral sex act occur. The adult
13 male exposed his penis to Plaintiff and she succumbed to the insistence of
14 Defendant SOMMERS and orally copulated the adult male.
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20 17. Upon information and belief, Defendant SOMMERS' sexual
21 exploitation of Plaintiff was carried out in part to further the business interests of
22 Defendant WILDFOX.
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24 18. Upon information and belief, as an actual, legal, and proximate result
25 of the wrongful conduct of Defendants, Plaintiff has suffered, is suffering, and will
26 continue to suffer and incur damages for: (a) severe mental and emotional
27 suffering, injuries, and trauma; (b) expenses for counseling and therapy for the
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1 mental and emotional injuries and trauma; (c) loss of enjoyment of life; (d) shame,
2 humiliation, and indignity; and (e) substantial future expenses for counseling and
3 therapy.
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6 **COUNT I**
7 **(Violation of 18 U.S.C. §2255 and 18 U.S.C. §2423(a) –**
8 **Against Defendant James Sommers)**

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10 19. Plaintiff repeats and realleges the allegations set forth in paragraphs 1
11 through 18 above.

12 20. Defendant JAMES SOMMERS violated 18 U.S.C. §2423(a) by
13 knowingly transporting Plaintiff, while she was a minor who had not attained the
14 age of eighteen (18) years, in interstate commerce with the intent that Plaintiff
15 engage in sexual activity with him for which he could be charged in the State of
16 California with one or more of the criminal offenses of Unlawful Sexual
17 Intercourse With Person Under Eighteen in violation of California Penal Code
18 §261.5, or Oral Copulation in violation of California Penal Code §288(a), or
19 Annoying Or Molesting A Child Under Eighteen in violation of California Penal
20 Code §647.6, and Plaintiff suffered personal injury as a result of such violation(s).

21 WHEREFORE, Plaintiff demands against Defendant JAMES SOMMERS
22 money damages as allowed by 18 U.S.C. §2255(a) including without limitation: 1)
23 compensatory damages; 2) punitive and exemplary damages; 3) costs of the suit; 4)
24 reasonable attorney fees; 5) post-judgment interest as permitted by law; and 6)
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1 such other relief as the Court may deem proper.

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3 **COUNT II**
4 **(Violation of 18 U.S.C. §2255 and 18 U.S.C. §2422(b) –**
5 **Against Defendant James Sommers)**

6 21. Plaintiff repeats and realleges the allegations set forth in paragraphs 1
7 through 18 above.

8 22. Defendant JAMES SOMMERS violated 18 U.S.C. §2422(b) by using
9 a facility or means of interstate commerce to knowingly persuade, induce, entice,
10 or coerce Plaintiff, who had not attained the age of eighteen (18) years, to engage
11 in sexual activity for which Defendant JAMES SOMMERS could be charged with
12 a criminal offense, or attempted to do so, in the State of California with one or
13 more of the criminal offense(s) of Unlawful Sexual Intercourse With A Person
14 Under Eighteen in violation of California Penal Code §261.5, or Oral Copulation
15 in violation of California Penal Code §288.(a), or Annoying Or Molesting A Child
16 Under Eighteen in violation of California Penal Code §647.6, and Plaintiff suffered
17 personal injury as a result of such violation(s).

18 WHEREFORE, Plaintiff demands against Defendant JAMES SOMMERS
19 money damages as allowed by 18 U.S.C. §2255(a) including without limitation: 1)
20 compensatory damages; 2) punitive and exemplary damages; 3) costs of the suit; 4)
21 reasonable attorney fees; 5) post-judgment interest as permitted by law; and 6)
22 such other relief as the Court may deem proper.
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COUNT III
(Violation of California Penal Code §288a –
Oral Copulation Against Defendant James Sommers)

23. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 18 above.

24. On one or more separate occasions Defendant JAMES SOMMERS did participate in an act of oral copulation with Plaintiff who was under eighteen (18) years of age. The acts of oral copulation included Defendant JAMES SOMMERS engaging in oral copulation upon Plaintiff, and causing Plaintiff to engage in oral copulation upon him.

25. Plaintiff was under the age of eighteen (18) years when Defendant JAMES SOMMERS committed these acts and she was thus an underaged injured member of the public for whose benefit California Penal Code §288a was enacted which thus authorizes this cause of action.

WHEREFORE, Plaintiff demands against Defendant JAMES SOMMERS:
1) compensatory damages; 2) punitive and exemplary damages; 3) costs of the suit;
4) reasonable attorney fees; 5) post-judgment interest as permitted by law; and 6)
such other relief as the Court may deem proper.

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COUNT IV
(Violation of California Civil Code §52.4 –
Gender Violence Against Defendant James Sommers)

26. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 18 above.

27. Defendant JAMES SOMMERS engaged in a series of acts on one or more separate occasions that constituted a physical intrusion or physical invasion of a sexual nature under coercive conditions upon Plaintiff by causing her to submit to sexual intercourse, oral sex upon him, and his performing oral sex upon her while he was acting in an intimidating or threatening or abusive manner towards her, and/or after having provided alcoholic beverages and/or an unlawful controlled substance to her.

WHEREFORE, Plaintiff demands against Defendant JAMES SOMMERS as allowed by California Civil Code §52.4(a): 1) compensatory damages; 2) punitive and exemplary damages; 3) costs of the suit; 4) reasonable attorney fees; 5) post-judgment interest as permitted by law; and 6) such other relief as the Court may deem proper.

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COUNT V
(Violation of California Penal Code §647.6(a)(1) – Annoying Or Molesting
Child Under Eighteen Against Defendant James Sommers)

28. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 18 above.

1 29. Defendant JAMES SOMMERS engaged in a series of acts on one or
2 more separate occasions which annoyed or molested Plaintiff when she was under
3 eighteen (18) years of age. The acts included, but were not limited to, requiring
4 Plaintiff to participate in sexual contact with him, and pressuring Plaintiff to
5 submit to or engage in sexual contacts with, or to be viewed by, various of his
6 friends and associates. She frequently would awake to him sexually molesting her
7 and/or masturbating himself while he stood over her. He would forcefully grab her
8 and demand that she perform a variety of tasks for his benefit on frequent
9 occasions. He would contact her if she was far away from his residence and
10 demand that she return.

11 30. Plaintiff was under the age of eighteen (18) years when Defendant
12 JAMES SOMMERS committed these acts, and was thus an underaged injured
13 member of the public for whose benefit California Penal Code §647.6(a)(1) was
14 enacted which thus authorizes this cause of action.

15 WHEREFORE, Plaintiff demands against Defendant JAMES SOMMERS:
16 1) compensatory damages; 2) punitive and exemplary damages; 3) costs of the suit;
17 4) reasonable attorney fees; 5) post-judgment interest as permitted by law; and 6)
18 such other relief as the Court may deem proper.
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1 **COUNT VI**
2 **(Violation of California Penal Code §261.5 – Unlawful Sexual Intercourse**
3 **With Person Under Eighteen Against Defendant James Sommers)**

4 31. Plaintiff repeats and realleges the allegations set forth in paragraphs 1
5 through 18 above.
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7 32. On more than one occasion Defendant JAMES SOMMERS engaged
8 in acts of sexual intercourse with Plaintiff who was not his spouse when she was a
9 17-year-old minor. The acts consisted of Defendant JAMES SOMMERS inserting
10 his penis into the vagina of Plaintiff. Plaintiff was more than three (3) years
11 younger than the Defendant during the times that he engaged in sexual intercourse
12 with her. Plaintiff was under the age of eighteen (18) years when Defendant
13 JAMES SOMMERS committed these acts and was thus an underaged injured
14 member of the public for whose benefit California Penal Code §261.5 was enacted
15 which thus authorizes this cause of action.
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19 WHEREFORE, Plaintiff demands against Defendant JAMES SOMMERS:
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21 1) compensatory damages; 2) punitive and exemplary damages; 3) costs of the suit;
22 4) reasonable attorney fees; 5) post-judgment interest as permitted by law; and 6)
23 such other relief as the Court may deem proper.
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COUNT VII
(Violation of California Civil Code §52.1(b) –
Against Defendant James Sommers)

33. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 18 above.

34. Defendant JAMES SOMMERS did interfere by threat, intimidation, or coercion, or attempted to interfere by threat, intimidation, or coercion, with the exercise or enjoyment by Plaintiff of her right to pursue and obtain happiness and/or privacy as guaranteed to her by Art. 1, §1 of the California Constitution.

35. The right to pursue and obtain privacy under Article I, §1 of the California Constitution extends to sexual relations. *John B. v Superior Court*, 45 Cal.Rptr. 3d 316, 137 P.3d 153 (2006).

WHEREFORE, Plaintiff demands against Defendant JAMES SOMMERS as allowed by California Civil Code §52.1(b) and California Civil Code §52: 1) compensatory damages; 2) punitive and exemplary damages; 3) costs of the suit; 4) reasonable attorney fees; 5) post-judgment interest as permitted by law; and 6) such other relief as the Court may deem proper.

COUNT VIII
(Violation of California Civil Code §1708.5 –
Sexual Battery Against Defendant James Sommers)

36. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 18 above.

37. Defendant JAMES SOMMERS acted with the intent to cause a harmful or offensive contact with an intimate part of Plaintiff and a sexually offensive contact with Plaintiff directly or indirectly resulted by placing his penis, and/or by placing his mouth or tongue, in contact with the genitals of Plaintiff. Defendant JAMES SOMMERS also touched the breast of Plaintiff.

WHEREFORE, Plaintiff demands against Defendant JAMES SOMMERS:

1) compensatory damages; 2) punitive and exemplary damages; 3) costs of the suit;
4) reasonable attorney fees; 5) post-judgment interest as permitted by law; and 6)
such other relief as the Court may deem proper.

COUNT IX
**(Violation of California Penal Code §288a – Aiding And Abetting Of
Oral Copulation Against Defendant James Sommers)**

38. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 18 above.

39. Defendant JAMES SOMMERS did aid and abet the participation of an adult male in an act of oral copulation with Plaintiff who was under eighteen (18) years of age.

40. Plaintiff was under the age of eighteen (18) years when Defendant JAMES SOMMERS committed this act and was thus an underaged injured member of the public for whose benefit California Penal Code §288a was enacted which thus authorizes this cause of action.

1 WHEREFORE, Plaintiff demands against Defendant JAMES SOMMERS:

2 1) compensatory damages; 2) punitive and exemplary damages; 3) costs of the suit;
3 4) reasonable attorney fees; 5) post-judgment interest as permitted by law; and 6)
4 such other relief as the Court may deem proper.
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7 **COUNT X**

8 **(Violation of New York Penal Code §260.20 – Unlawfully Dealing With A**
9 **Child Against Defendant James Sommers)**

10 41. Plaintiff repeats and realleges the allegations set forth in paragraphs 1
11 through 18 above.

12 42. Defendant JAMES SOMMERS did knowingly permit Plaintiff, a
13 child less than eighteen (18) years of age, to enter or remain in or upon a place,
14 premises, or establishment where sexual activity constituting forcible touching as
15 defined by New York Penal Code §130.52, or activity involving cocaine, a
16 controlled substance, or activity involving marijuana, was maintained or
17 conducted, and Defendant SOMMERS knew or had reason to know that such
18 activity was being maintained or conducted, and/or did give or cause to be given to
19 Plaintiff alcoholic beverages.
20

21 43. Because Plaintiff was under the age of eighteen (18) years, she was a
22 member of the class for whose particular benefit New York Penal Law §260.20
23 was enacted. A private right of action for violation of this statute would both
24 promote and be consistent with the legislative scheme and purpose by extracting
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1 their participation in sexual acts and by supplying them with alcohol and controlled
2 substances.

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4 WHEREFORE, Plaintiff demands against Defendant JAMES SOMMERS:

5 1) compensatory damages; 2) punitive and exemplary damages; 3) costs of the suit;
6
7 4) reasonable attorney fees; 5) post-judgment interest as permitted by law; and 6)
8 such other relief as the Court may deem proper.

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10 **COUNT XI**

11 **(Vicarious Liability Against Defendant Wildfox Couture, LLC
12 For The Acts And Omissions of Defendant James Sommers)**

13 44. Plaintiff repeats and realleges the allegations set forth in paragraphs 1
14 through 18 above.

15 45. Defendant WILDFOX COUTURE, LLC is vicariously liable for each
16 and every wrongful act and omission of Defendant SOMMERS, its president and
17 chief executive officer, which gives rise to the various claims in this case.

18
19 46. By virtue of his position as president and chief executive officer of
20 Defendant WILDFOX and acting in the course and scope of his executive powers
21 and authority for Defendant WILDFOX, Defendant SOMMERS established and
22 implemented a hiring and employment rule which he communicated to Plaintiff.
23 That rule required Plaintiff to submit to his sexual urges and desires as a necessary
24 precondition to securing employment as a model or in a creative, marketing, or
25 design capacity with Defendant WILDFOX. Defendant SOMMERS acted within
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1 the course and scope of his employment and by virtue of his power and authority
2 as the highest executive of Defendant WILDFOX in establishing and
3 implementing this hiring and employment rule to engage models or other
4 employees or agents for Defendant WILDFOX, and the engagement of models or
5 other employees or agents was typical of or broadly incidental to the enterprise of
6 Defendant WILDFOX.
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10 47. Alternatively, Defendant WILDFOX ratified the wrongful acts and
11 omissions of Defendant SOMMERS who, as its president and chief executive
12 officer and by virtue of his executive powers and authority, established and
13 implemented a hiring and employment rule for Plaintiff which required her to
14 submit to his sexual urges and demands.
15

16
17 48. Defendant SOMMERS acted with the actual or apparent authority of
18 Defendant WILDFOX, or within the course or scope of his executive power,
19 authority, and employment, to condition the engagement of Plaintiff as a model or
20 in a creative, marketing, or design capacity upon her submitting to his sexual urges
21 and demands.
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24 WHEREFORE, Plaintiff demands against Defendant WILDFOX
25 COUTURE, LLC: 1) compensatory damages; 2) punitive and exemplary damages;
26 3) costs of the suit; 4) reasonable attorney fees; 5) post-judgment interest as
27 permitted by law; and 6) such other relief as the Court may deem proper.
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Plaintiff hereby demands a jury trial in this action.

Dated this August 28 2013.

is August 2013.

[Signature]

Kevin M. McGuire
California Bar No. 164895
themcguirelawfirm@yahoo.com
43460 Ridge Park Drive, Suite 200
Temecula, California 92590
Tel: (951) 719-8416
Fax: (949) 258-5807

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